

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

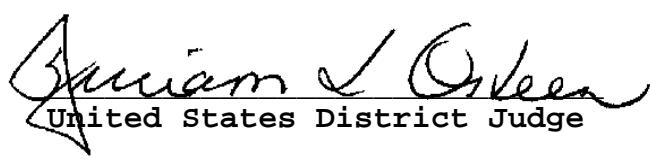
EARNEST LEE HERBIN,)
Petitioner,)
v.) 1:06CV572
GRADY J. HAYNES, Supt. of Warren)
Correctional Inst.,)
Respondent.)

O R D E R

On January 16, 2007, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. Petitioner filed objections to the Recommendation within the time limit prescribed by Section 636.

The Court has reviewed Petitioner's objections de novo and finds they do not change the substance of the United States Magistrate Judge's rulings which are affirmed and adopted.

IT IS THEREFORE ORDERED that Respondent's motion to dismiss (docket no. 5) is granted, that the habeas petition (docket no. 2) is denied, that this action is dismissed, and that finding no substantial issue for appeal concerning the denial of a constitutional right affecting the conviction, nor a debatable procedural ruling, a certificate of appealability is denied.


William J. O'Brien
United States District Judge

February 15, 2007